

REMARKS

The Applicant acknowledges with appreciation the indication by the Examiner that this application includes allowable subject matter, namely the subject matter of claims 5 and 14.

The initial rejection of the remaining claims that were examined is based wholly on the patent to Schreiber et al. It is respectfully submitted that the Schreiber patent fails to teach what is set forth in the claims of this application, and reconsideration is respectfully requested for the reasons set forth below.

Claim 1 of this application requires the perforations in each of the second zones to present a larger collective area as a percentage of the perforated surface area in each of the second zones than the collective area that is presented by the perforations in the first zone as a percentage of its surface area. This specific relationship of the perforations is not taught by the Schreiber patent.

The Schreiber patent teaches only that the openings 8' that are nearer to the distancing strip 7 "have a larger cross-section or diameter" than the remaining openings 8. This is set forth in the Schreiber patent in column 5, lines 23-28 and also at column 3, lines 59-64.

This is simply a disclosure that the lower openings are larger in size, not that they present a larger collective area as a percentage of their surface area than the other perforated area near the top of the unit. In other words, the openings 8' could certainly be larger than openings 8 but not occupy a greater collective area as a percentage of the perforated surface area. For example, the openings 8' could be slightly larger but spaced more widely apart than openings 8, such that the area occupied by the perforations 8 could actually be greater, percentagewise, than the area occupied by the perforations 8', even though perforations 8' are larger.

The Schreiber patent simply suggests nothing with respect to the collective area of the perforations in the different zones as a percentage of the overall surface area in the zone. Schreiber is totally silent on this point. And it follows that Schreiber fails to suggest what is set forth in claim 1 of the present application.

This is not surprising. The whole point of the Schreiber arrangement is to provide a longitudinal air pocket 6' in order to obtain uniformity lengthwise or longitudinally of the diffuser. In contrast, the present invention is concerned with obtaining uniform application of air circumferentially around the diffuser body. Thus, Schreiber is concerned conceptually with something completely different than the present Applicant. As a result, the invention made by the present Applicant differs conceptually and structurally from what Schreiber teaches, a result that is to be expected because the inventors were dealing with different problems.

Simply because Schreiber teaches larger openings in one part of the foil has nothing to do with the collective area, percentagewise, occupied by the openings. Only the present inventor is concerned with this, and only the present inventor recognizes the advantages resulting from the invention of claim 1. To consider Schreiber as teaching what claim 1 recites is submitted to be an unduly expansive interpretation of what Schreiber actually teaches. Such an expansive reading of the prior art is not justified in circumstances where the present Applicant is claiming his invention very specifically in a way that Schreiber cannot legitimately be interpreted as remotely suggesting. Schreiber is completely silent on the very point that is the inventive aspect of what is claimed in this application. That cannot provide a basis for rejecting the claims.

For these reasons, it is respectfully submitted that claim 1 is allowable. Claim 13 is the only other independent claim that has been examined, and it includes the same limitations and is allowable for the same reasons as claim 1.

The limitations of claims 3 and 4 of the perforations in the second zones being more numerous per unit of surface area than the perforations in the first zone are clearly not taught by Schreiber. Schreiber makes no mention of any such concept, nor is there any way the Schreiber disclosure can be interpreted as suggesting such a structure.

With respect to claims 8-12, it is respectfully submitted that the Examiner has misinterpreted the Schreiber patent. The Examiner cites Fig. 4 of the Schreiber patent as disclosing that the “perforations in the second zones are in the form of slits”. That is simply not so. All of the perforations in the foil 1 are circular openings rather than slits. The perforations 8 and 8' in Fig. 4 are clearly shown as circular openings. The only thing in Fig. 4 that appears as a slit is the member 14 which is identified as a lower distancing strip rather than an opening. Thus, Schreiber clearly teaches only round openings and nowhere suggests slits.

In any event, it is strictly the exercise of hindsight to conclude that (1) it would be obvious to use slits when Schreiber teaches only round openings, (2) it would be obvious to make some slits longer than others when nothing similar is taught anywhere in the prior art, (3) it would be obvious to space slits more closely together in an end-to-end relationship in selected areas of a membrane when nothing similar is taught in the prior art, and (4) it would be obvious to vary the row spacings of end-to-end slits when nothing is found in the prior art suggesting anything remotely similar. The Examiner is respectfully asked to reconsider these dependent claims bearing these considerations in mind.

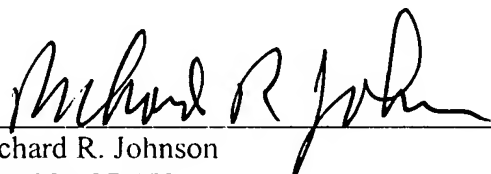
The dependent claims 8-12 are differentiated from the prior art however it is legitimately interpreted. Dependent claims 17-20 have similar limitations, and they should all be allowed for the same reasons.

In summary, the Schreiber patent does not teach what is taught only by the present inventor and specifically claimed in both of the dependent claims 1 and 13. Interpreting Schreiber as meeting the collective area limitations as a percentage of the perforated surface area is wholly unjustified based on anything found in the Schreiber patent or any other prior art.

Accordingly, this application is believed to be in condition for allowance. A formal notice to that effect is respectfully requested in due course. If the Examiner believes that a telephone conference will in any way expedite the handling of this application, he is invited to call the number listed below at his convenience.

Respectfully submitted,

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